



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 5, 2007
Comment Deadline: February 5, 2007
Corps Action ID #: SAW-2003-710-065

The Wilmington District, Corps of Engineers (Corps) has received an application from the **Sentry Oaks Homeowners Association** seeking Department of the Army authorization for the discharge of fill material into 1.01 acres of Section 404 jurisdictional Waters of the United States in the headwaters of Mott and Everett Creeks, association with the proposed Sentry Oaks Subdivision Common Area project. The 10.56 acre project area is located on the west side of Lydden Road, behind Lots 225-229 and 88-92, in the Sentry Oaks residential development, west of Myrtle Grove Road, southeast of Wilmington, New Hanover County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Sentry Oaks Homeowners Association
Attn: Mr. James Taylor, Director
1025-A North Lake Park Boulevard
Carolina Beach, North Carolina 28428

Agent (if applicable): Southern Environmental Group, Inc.
Attn: Mr. James Taylor
5315 South College Road, Suite E
Wilmington, North Carolina 28412

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The 10.56 acre project area is located at the western boundary of the Sentry Oaks subdivision, west of Myrtle Grove Road, in the southern part of New Hanover County, North Carolina. The site contains approximately 1.01 acres of jurisdictional waters within the headwaters of Mott and Everett Creeks. Mott Creek is a tributary to the Cape Fear River, a Navigable Water of the

United States; Everett Creek is a tributary to the Atlantic Intracoastal Waterway, a Navigable Water of the United States. Site coordinates are 34.1264N, -77.8884W.

Existing Site Conditions

This site is currently undeveloped land, set aside as Common Area of the Sentry Oaks residential subdivision by the original developer in late 1990's. Historically, this property most likely supported a wet pine flat (wetland) community type; however, in the late 1990's, Tulloch ditches, those that could be constructed without Department of Army authorization, were excavated throughout the property and subsequently removed the hydrology of the wetlands. Only the linear jurisdictional ditches remain and have been classified as Waters of the United States. This area is situated within the headwaters (interstream divide) of both Mott and Everett Creeks, tributaries to the Cape Fear River and Atlantic Intracoastal Waterway respectively, Navigable Waters of the United States.

Vegetation within the site is periodically mowed and consists mainly of bushy bluestem (*Andropogon glomeratus*), wiregrass (*Aristida spp.*), fetterbush (*Lyonicia lucida*), large gallberry (*Ilex coriacea*), titi (*Cyrilla racemiflora*), and sweetbay (*Magnolia virginiana*) in the herbaceous and shrub layers, and pond pine (*Pinus serotina*) and loblolly pine (*Pinus taeda*) trees in the canopy. A vine layer is dominated by laurel leaf greenbriar (*Smilax laurifolia*).

According to the United States Department of Agriculture Soil Survey of New Hanover County (April 1977), the site is underlain by Leon fine sand, which has been classified as a hydric soil for New Hanover County.

Land use to the north, south and east is currently residential and consists of the Sentry Oaks residential community. The project area is bounded to the west by an undeveloped, forested land.

Applicant's Stated Purpose

The purpose of the project is to safe utilization of the existing residential common area.

Project Description

The applicant has proposed to discharge fill material into 1.01 acres of jurisdictional Waters of the United States, man-made drainage "ditches" to improve safety and facilitate the usage of an existing common area for passive recreation such as dog walking and picnicking. There are currently 13 primary ditches with lateral ditches located within the common area. Seven of the primary ditches and one lateral would be backfilled, for a total of 0.55 acres of impact. The remaining primary ditches would be filled with a perforated pipe and soil forming a swale over a French drain system that would discharge to the western property boundary ditch, totally 0.46 acres of regulated impact. At the terminus of each of the French-drained ditches an energy dissipater would be constructed. Project plans and narrative have been included with this Public Notice.

The applicant has also submitted a mitigation proposal with their application, included with this Notice that entails on-site restoration of 1.01 acres of non-riparian wetlands.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by January 29, 2007.

Coastal Zone Management

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act

(NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5 pm, February 5, 2007. Comments should be submitted to Jennifer S. Frye, Post Office Box 1890, Wilmington, North Carolina, 28402-1890, telephone (910) 251-4923.

Project Description

The applicant proposes to discharge clean fill material into 1.01 acres of jurisdictional "Waters of the United States", man-made drainage ditches, to improve safety and facilitate the usage of an existing common area for passive recreation such as dog walking and picnicking. There are currently 13 primary ditches with lateral offshoots located within the conservation area. Seven (7) of the primary ditches and 1 lateral would be filled. The remaining primary ditches would be filled with a perforated pipe and soil forming a swale over a french-drain system that would discharge to the western property boundary ditch. On the attached plans, ditches labeled with a single hash line are to be completely filled and total 0.55 acres of fill in a "Waters of the United States" (waters). The double hash marks have been used to denote a swale and french-drain fill and total 0.46 acres of waters.

At the terminus of each of the french-drained ditches a flared area will be constructed. This flare will serve to dissipate hydrologic energy and provide nutrient and pollutant removal before the water from the ditches reaches the western property boundary ditch. It is anticipated that wetland characteristics will be returned to portions of the site. A portion of the restored area could serve as compensatory mitigation for the proposed project. Please see the compensatory mitigation section below for further details.

Sequence of events

The applicant would like to begin work on this project as soon as the appropriate authorizations are issued. First the sediment and erosion control structures, particularly silt fencing, will be installed. Then the mitigation area will be graded as described in the permit application. The french drains will be installed and the fill material (including that taken from the mitigation area) will be discharged into the french drain swales and the ditches. The mitigation area will be seeded with an annual winter rye for sediment control until next spring when the neighboring wetland vegetation will begin invading the site. A definitive date for each stage of this project can not be determined at this time as it hinges on the issuance of authorizations from the Department of the Army, the State of North Carolina, and New Hanover County.

Location

The proposed Sentry Oaks Common Area project is located on approximately 10.56 acres, on the west side of Lydden Road behind lots 225 – 229 and 88 – 92 in the Sentry Oaks Subdivision, west of Myrtle Grove Road, in the headwaters of Mott and Everett Creeks, southeast of Wilmington, New Hanover County, North Carolina (34.1264°N, -77.8884°W). Mott Creek is a tributary to the Cape Fear River, which discharges to the Atlantic Ocean. Everette Creek is a tributary to the Intracoastal Waterway, which is connected to the Atlantic Ocean via inlets.

Existing Conditions

The proposed project is located in the lower Coastal Plain of southeastern North Carolina. The tri-county area of southeastern North Carolina, which includes Pender, New Hanover, and Brunswick counties, has transitioned from predominately rural to predominately urban in the last 50 years. New Hanover county, the most developed county in the region, is home to the port city of Wilmington and is characterized by commercial, industrial, and residential areas. The proposed project is located within a common area associated with the Sentry Oaks residential development. The site has been mowed, but no other work has been undertaken there since the late 1990's.

Sentry Oaks was developed by Landmark in the late 1990's. There has been regulatory involvement with this project since its inception. Jurisdictional determinations were completed in 1996, 1999, and 2000-2001. Two applications were submitted in 1996, Action Identification Numbers (AID) 199603205 and 199606144, for a Nationwide Permit 14 (0.26 acre) and a Nationwide Permit 26 (approximately 9 acres), respectively. An alleged violation for mechanized land clearing was issued in 1999 (AID 199900677), but no remedial action was required. Landmark did not create the common area to meet any mitigation requirements for past permits.

The area surrounding the proposed project site is typical of interstream divides in southeastern North Carolina. Prior to the removal of hydrology through the ditches, this property would have been described as a wet flat. Wet flats are seasonally saturated or inundated by a high or perched water table and have a predominance of facultative plant species. The area is vegetated with a canopy of *Pinus taeda* and *Pinus serotina*; a shrub layer of *Magnolia virginiana*, *Vaccinium corymbosum*, *Ilex coreacea*, and *Lyonea lucida*; and a vine layer of *Smilax laurifolia*. The underlain soil type, Leon (poorly drained), as mapped in the USDA New Hanover County Soil Survey (1977), is listed in "Hydric Soils of the United States."

A jurisdictional determination package was submitted for this project on September 1, 2006.

There are no known occurrences of federally-listed or state-listed species within the project area. No evidence has been found to suggest the presence of archeological or historic resources on this property.

Purpose and Need

The United States Corps of Engineers will determine the appropriate purpose and need for any decision document that would be prepared for the proposed project. The applicant suggests that the purpose for this project is to improve safe utilization of the existing common/conservation area. Currently, there is a substantial risk of encountering poisonous snakes and the ditches represent a hazard to small children playing in the area. The Sentry Oaks Homeowners Association would like to use the common area for passive recreation.

Avoidance and Minimization

- No action: The no action alternative, no filling of ditches, would not meet the applicants' stated purpose.
- Other project designs: Bridges could be used to provide safer crossings over the ditches. Bridges, however, are expensive and would not improve the situation relative to dangerous animals (would not meet the stated purpose). It is the applicants' belief that the project as proposed is the least environmentally damaging, practicable alternative and that no other design will better meet their stated purpose and need.
- Other project locations: This project is specific to this location and cannot be completed in any other location.
- Minimization: The applicants propose to fill only the man-made ditches within the common area. To prevent the direct discharge of water from the french-drain system into surface waters, the applicant proposes to create wetland areas where the water will spread out and soak in at the outfall of the proposed pipes. Most of the ditches will simply be filled, not incorporated into the french-drain system. This will likely restore hydrology to a portion of the site that is currently drained and may restore additional wetlands on site. The applicants propose the use

of an annual rye grass to stabilize the areas of disturbance. Native vegetation will invade these areas from the well established surrounding vegetation and permanently stabilize the project. The wetlands that would be located at the end of the french-drains have not been proposed as compensatory mitigation for this project.

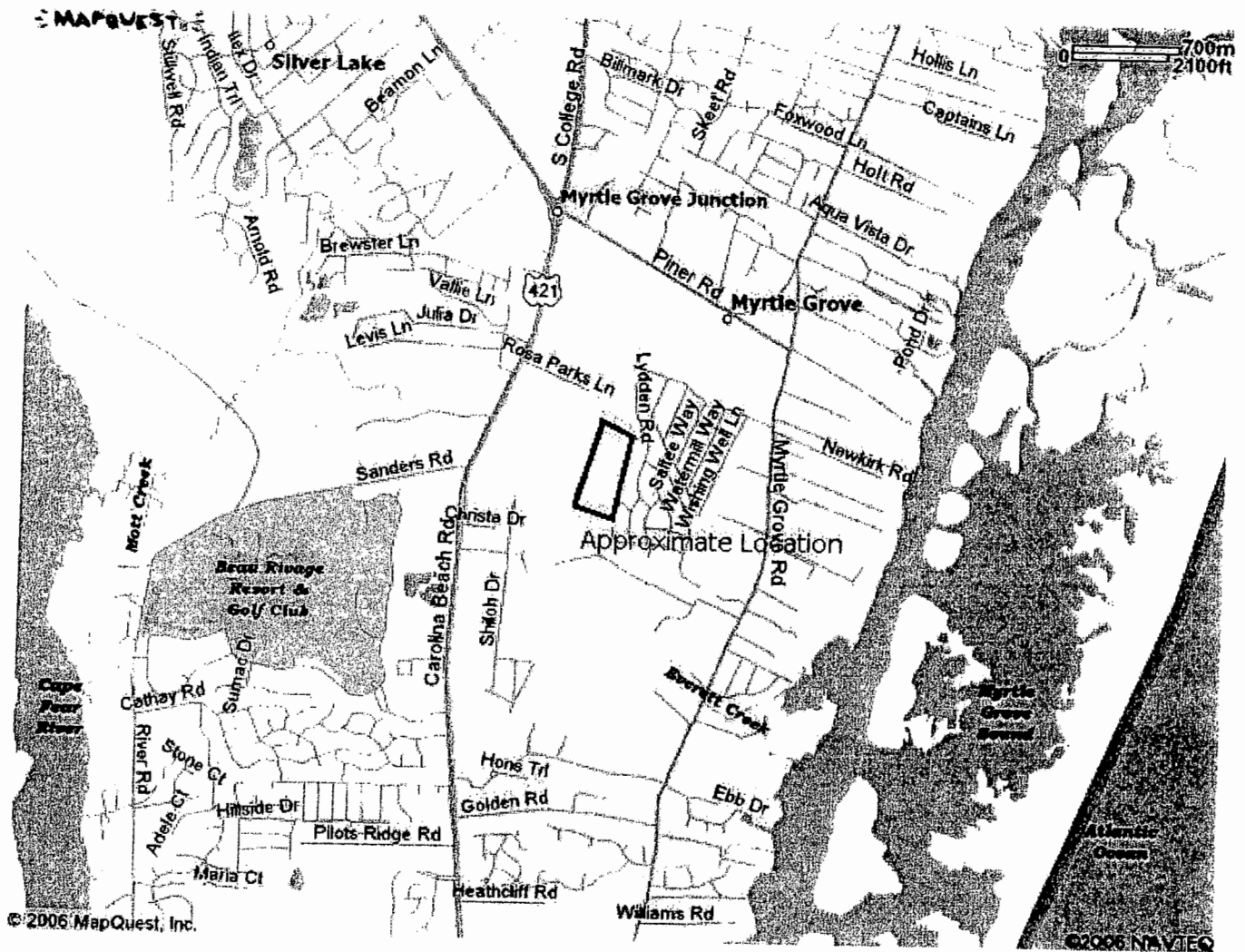
Proposed Compensatory Mitigation

On-site, in kind mitigation is typically preferred for compensatory mitigation. The applicant proposes to restore 1.01 acres of wetlands on-site. The proposed mitigation area is located near the northern end of the common/conservation area. The applicant is proposing to remove the upper section of soil so that the resultant elevation would be approximately 3 inches below the neighboring area and approximately 9 inches above the bottom depth of the rear property boundary ditch. The proposed mitigation area is located approximately 40 feet from the rear ditch line. The rear property boundary ditch is shallow, less than 1 foot below the adjacent ground elevation (see attached photographs) and , it is our belief, that it will have a negligible effect on the hydrology of the the mitigation area.

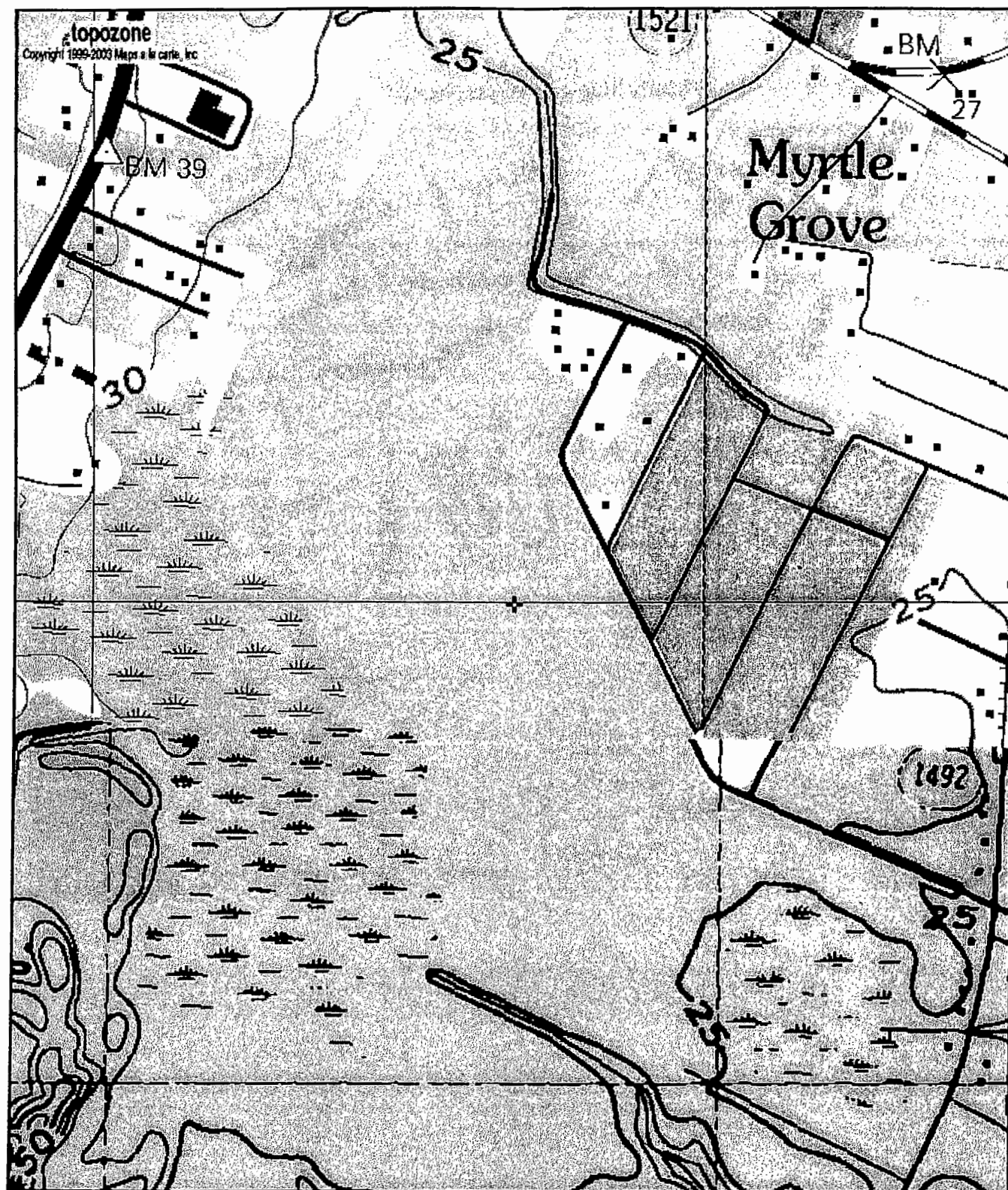
There are five other ditches near the proposed mitigation area. Three of these ditches will be filled, thereby eliminating the conduits by which hydrology would leave the area. The other two ditches would be french-drained and are located approximately 190 and 105 feet away from the proposed mitigation area. At these distances, it is unlikely that the french-drained swales will have an effect on the hydrology of the proposed mitigation area. Given the soil type, position of the mitigation area, and the proposed reduction in elevation, we believe that the hydrology requirement easily be met for this site.

The project area currently has well established wetland vegetation including herbaceous, shrub, and canopy species (see site description above for an inventory of dominant plants). An annual rye grass would be used to temporarily stabilize the mitigation area while native vegetation from the surrounding source invaded. Photographs of the site would be taken upon completion of the project, after the establishment of temporary cover, and one year after completion of the project. These photos would be submitted to the Corps to act as a monitoring report for success at this site.

Vicinity Map with Approximate Location

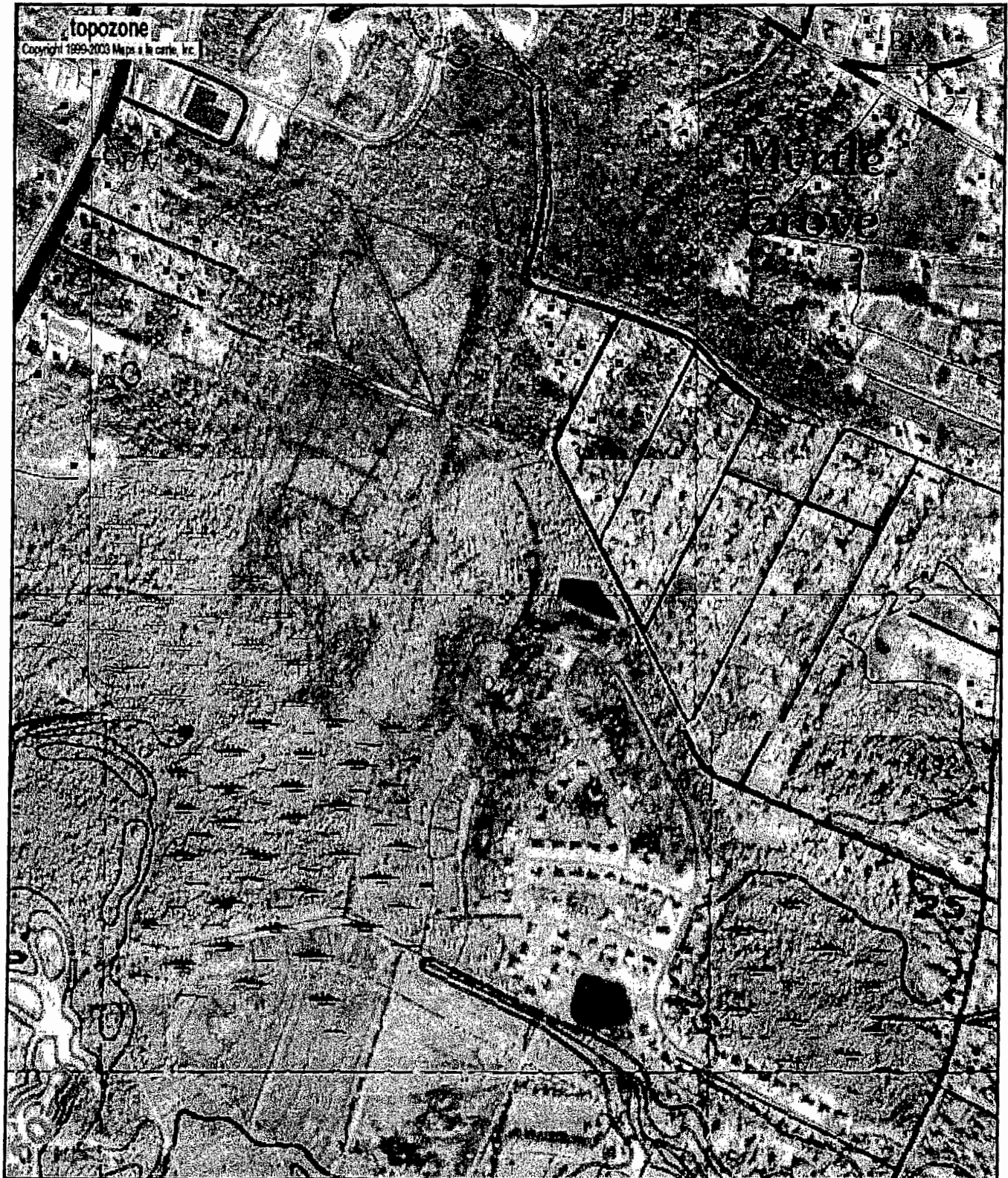


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N



0 0.1 0.2 0.3 0.4 0.5 km
 0 0.09 0.18 0.27 0.36 0.45 mi

34.1267°N, 77.8879°W (NAD27)
USGS Wilmington (NC) Quadrangle
 Projection is UTM Zone 18 NAD83 Datum



0 0.1 0.2 0.3 0.4 0.5 km

0 0.09 0.18 0.27 0.36 0.45 mi

34.1267°N, 77.8879°W (NAD27)

USGS Wilmington (NC) Quadrangle

Projection is UTM Zone 18 NAD83 Datum

Pictures of Rear Property Line Ditch

These photos were taken at the southern end of the common/conservation area.



Looking into the ditch from the eastern bank. The ditch is less than 1 foot deeper than the adjacent property that the photographer is standing on and is fully vegetated (there is no standing water).



Looking down the ditch line to the north.



NEW HANOVER COUNTY TAX DEPARTMENT
Real Estate Tax Records Inquiry - Current Tax Statement

5470629

2 0 0 6 T A X S T A T E M E N T 08 30 06

TAX DIST PARCEL ID NUMBER PERS VALUE REAL VALUE EXEMPTIONS TAX VALUE
FD **R07900-003-106-000** 0 0 0 0

LEGAL : (10.56) SENTRY OAKS COMMON AREA SEC 12
LOCATION : 6162 LYDDEN RD CA
1/1/06 OWNER: SENTRY OAKS HOA INC

SENTRY OAKS HOA INC

PO BOX 4127
WILMINGTON NC 28406

REMIT TO: NEW HANOVER CO TAX OFFICE
P.O. BOX 18000
WILMINGTON, NC 28406

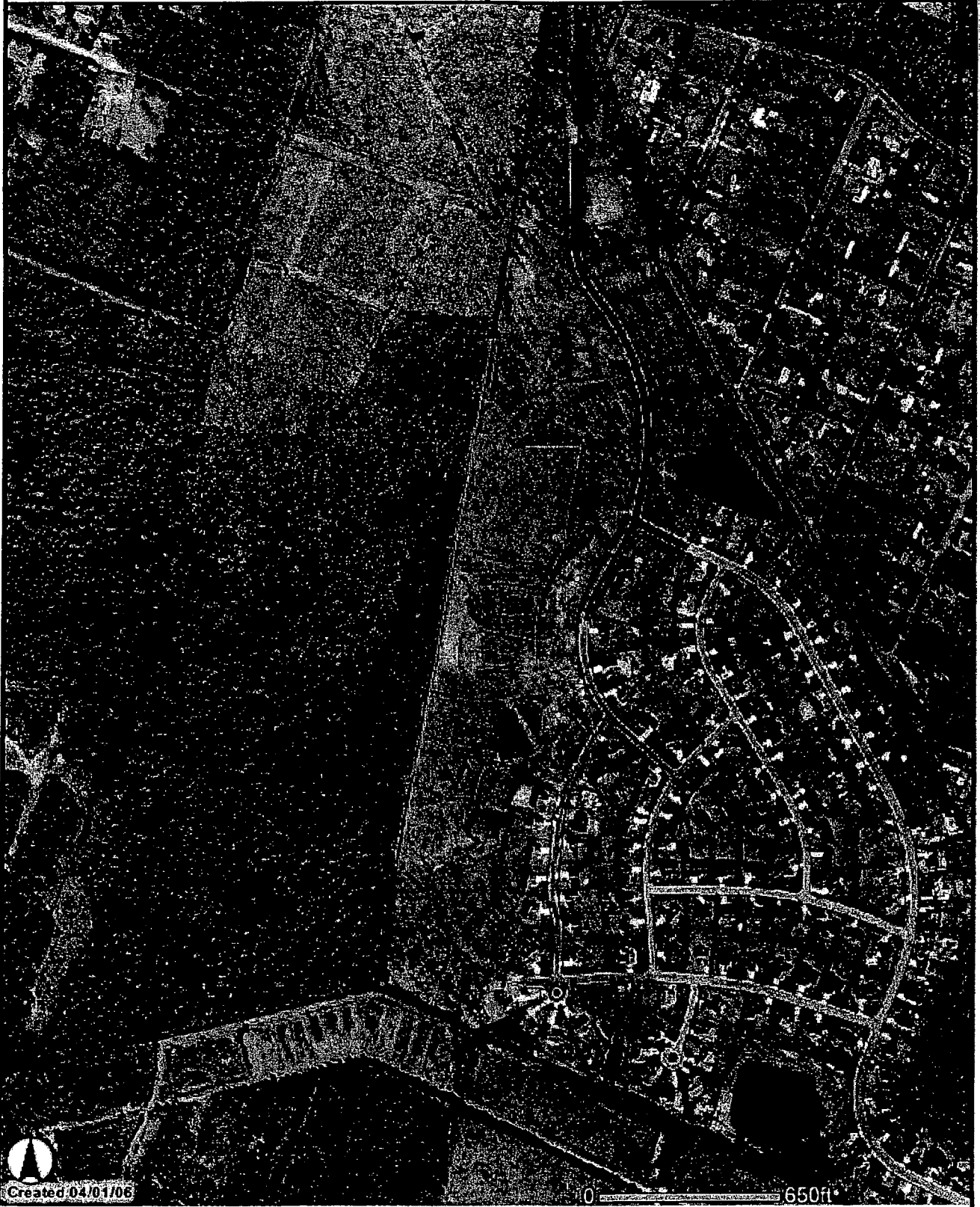
* TOTAL AMOUNT DUE 08/30/06 : 0.00

DESCRIPTION	RATE	TAX ASSESSED	TAX BALANCE
NH COUNTY	0.6850	0.00	0.00
NH FIRE DIST	0.0600	0.00	0.00

Ownership	Real Estate Values	Building Sketch	Sales	Prior Taxes
Property Map	Previous Page	Main Menu		

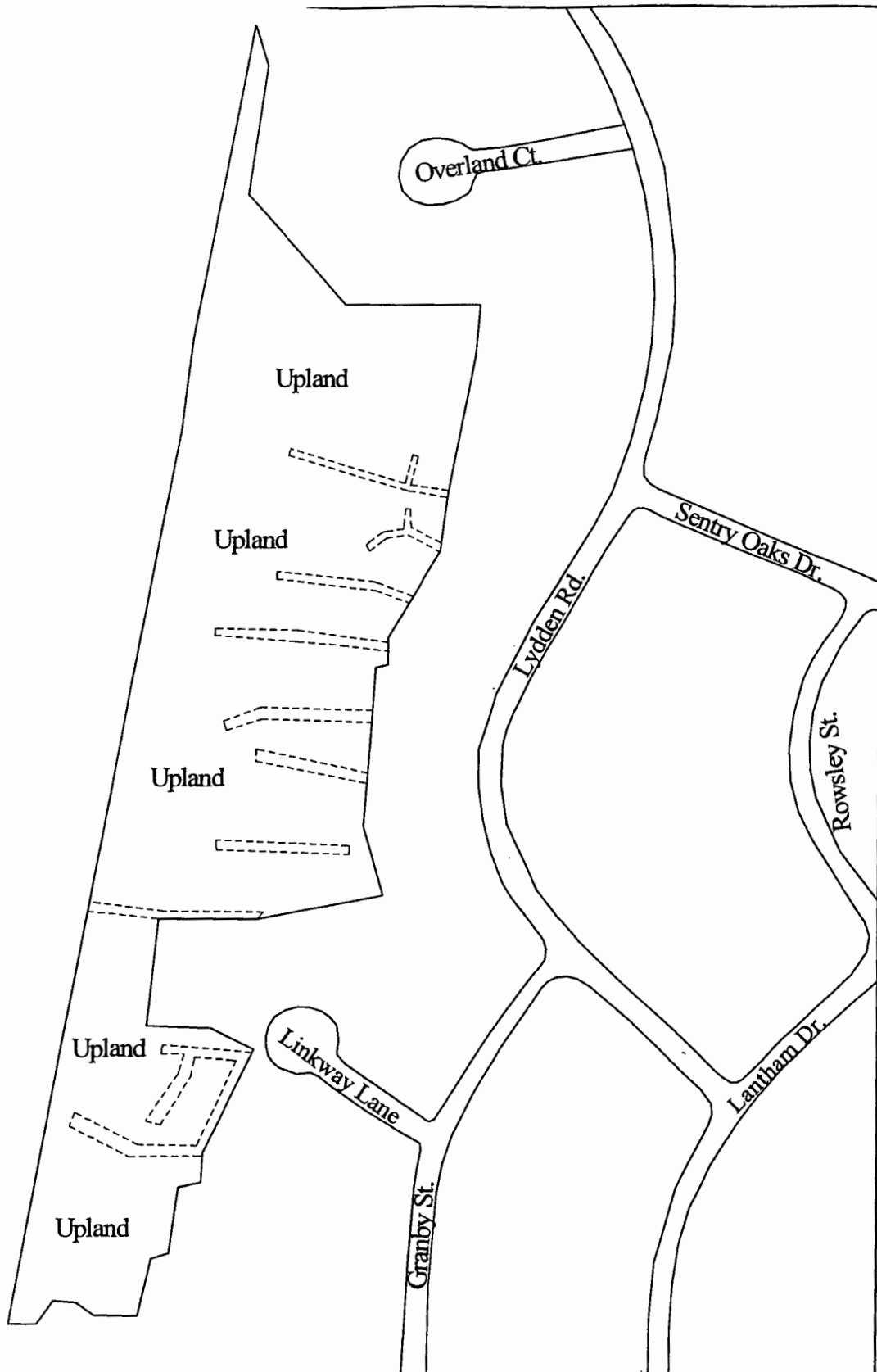
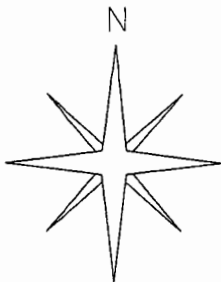
Questions? 

Sentry Oaks



Created 04/01/06

0 650ft



Not to Scale Date: August 30, 2006

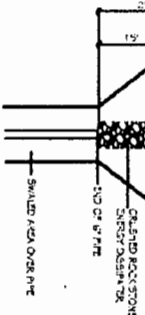
Project #: 04-024.01 Drawn By: Jerry Peake

Wetland Delineation

Sentry Oaks, 10.56 acres
Wilmington, New Hanover County, NC

Southern Environmental Group, Inc.

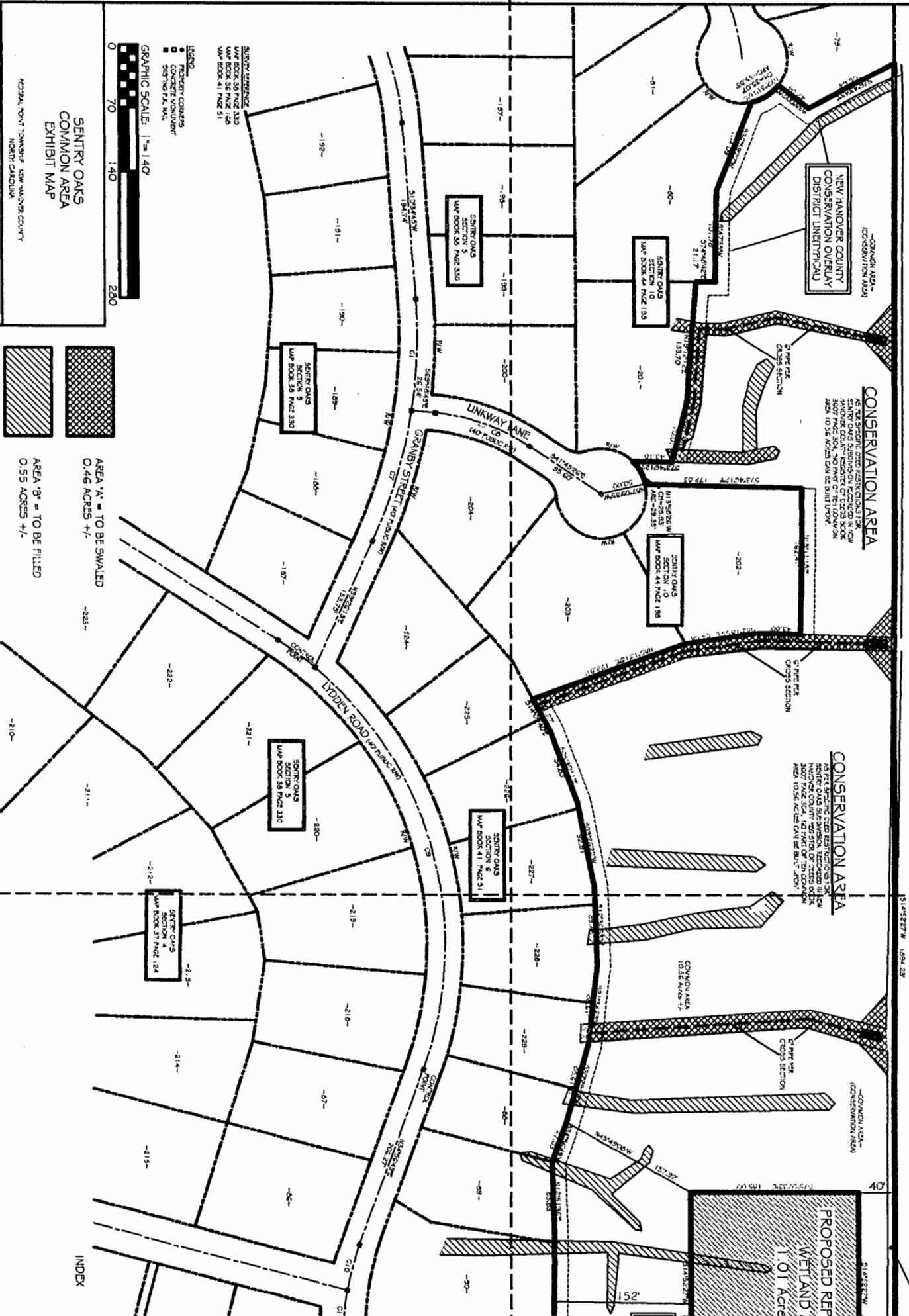
5315 College Road Suite E
Wilmington, North Carolina 28412
Office (910) 452-2711 Fax (910) 452-2899



1/4" PROPOSED VEGETATED SWALE CROSS SECTION
NOT TO SCALE

1/4" EXISTING
(WIDTHS, D

SWALE/TIE TERMINATION TYPICAL SECTION
NOT TO SCALE



LEGEND
PROPERTY CORNERS
EASEMENTS
EXISTING P.L. WALL
GRAPHIC SCALE: 1" = 140'
0 70 140 280

SENTRY OAKS
COMMON AREA
EXHIBIT MAP
HUNTERDON TOWNSHIP, NEW JERSEY
NORTH CAROLINA

AREA 'A' = TO BE SWALED
0.46 ACRES +/-
AREA 'B' = TO BE FILLED
0.55 ACRES +/-

INDEX

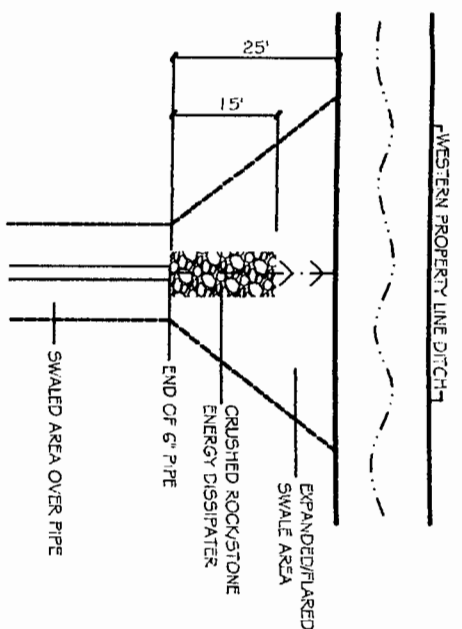


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MAP BOOK 37 PAGE 124

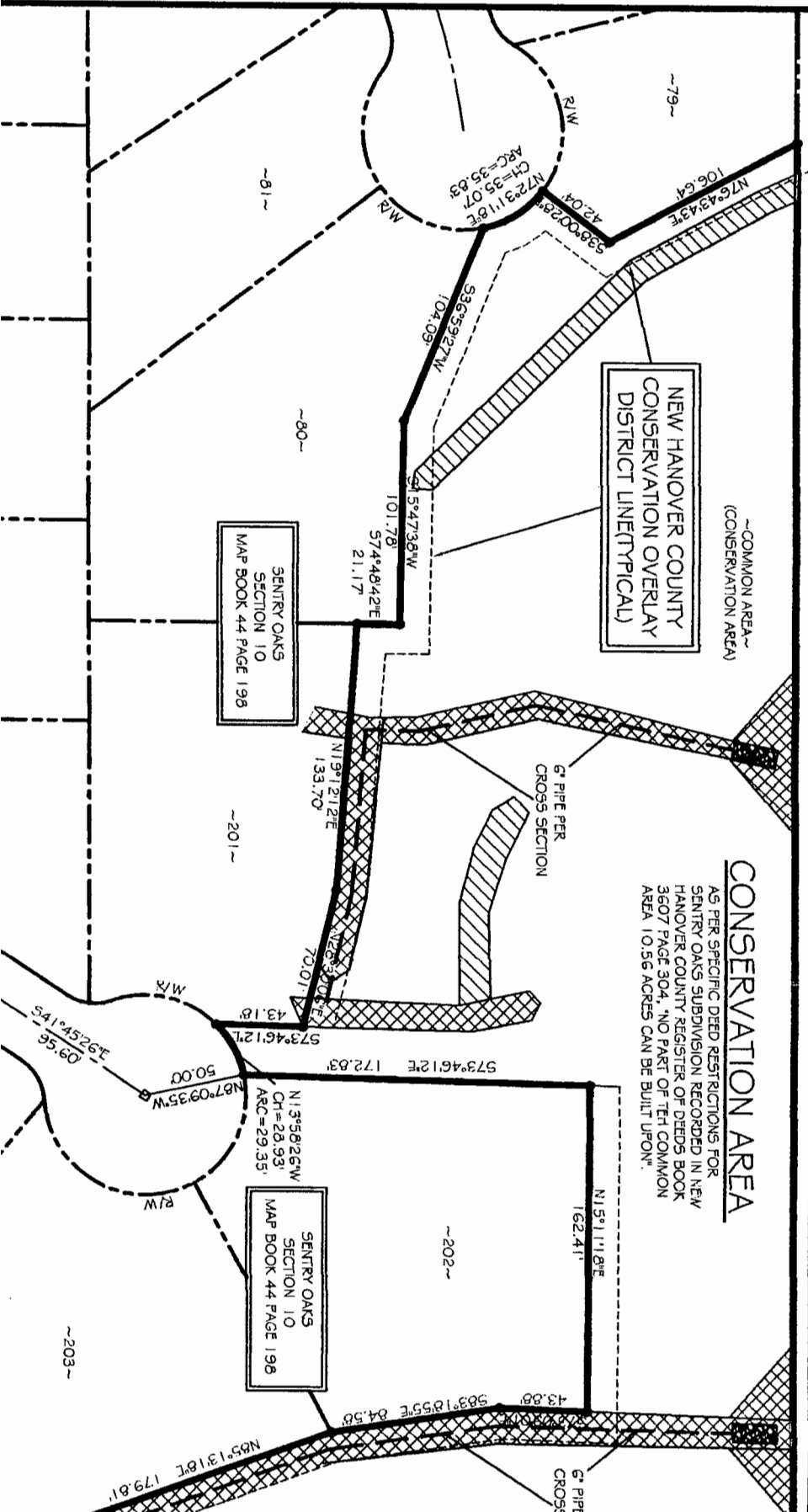
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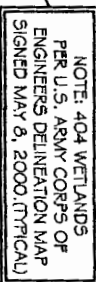
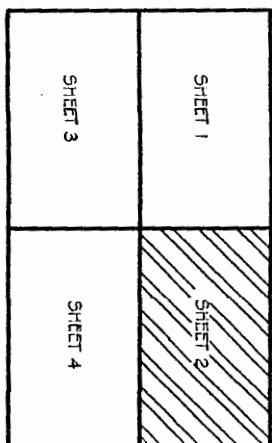
SHEET 1	SHEET 2
SHEET 3	SHEET 4

GRAPHIC SCALE: 1"=80'
0 40 80 160

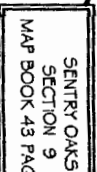


SWALE/PIPE TERMINATION TYPICAL SECTION
NOT TO SCALE





NOT TO SCALE

SERVATION AREA

NEW HANOVER COUNTY
CONSERVATION OVERLAY
DISTRICT LINE(TYPICAL)

PROPOSED REPLACEMENT
WETLAND AREA

1.01 Acres +/-

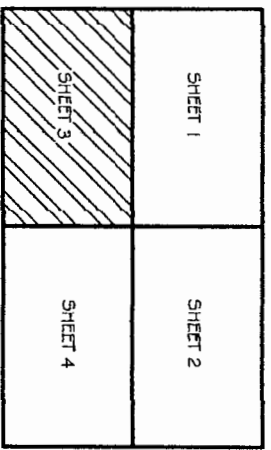
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LEGEND
● PROPERTY CORNERS
□ CONCRETE MONUMENT
■ EXISTING P.K. NAIL

GRAPHIC SCALE: 1"=80'
0 40 80 160



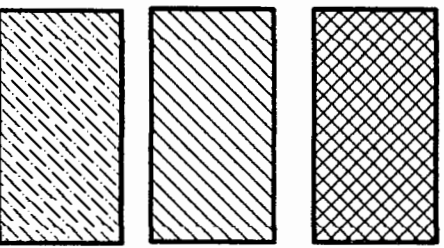
SENTRY OAKS COMMON AREA EXHIBIT MAP

FEDERAL POINT TOWNSHIP NEW HANOVER COUNTY
NORTH CAROLINA

OWNER: LANDMARK DEVELOPERS, INC.
P.O. BOX 4127
WILMINGTON, NC 28406

MICHAEL UNDERWOOD and ASSOCIATES, PA
102 CINEMA DRIVE, SUITE C
WILMINGTON, NC 28403
PHONE: 910-815-0650
FAX: 910-815-0393

SURVEYED: LB	APPROVED: MNU
DRAWN BY: TBM	DATE: OCT., 2004

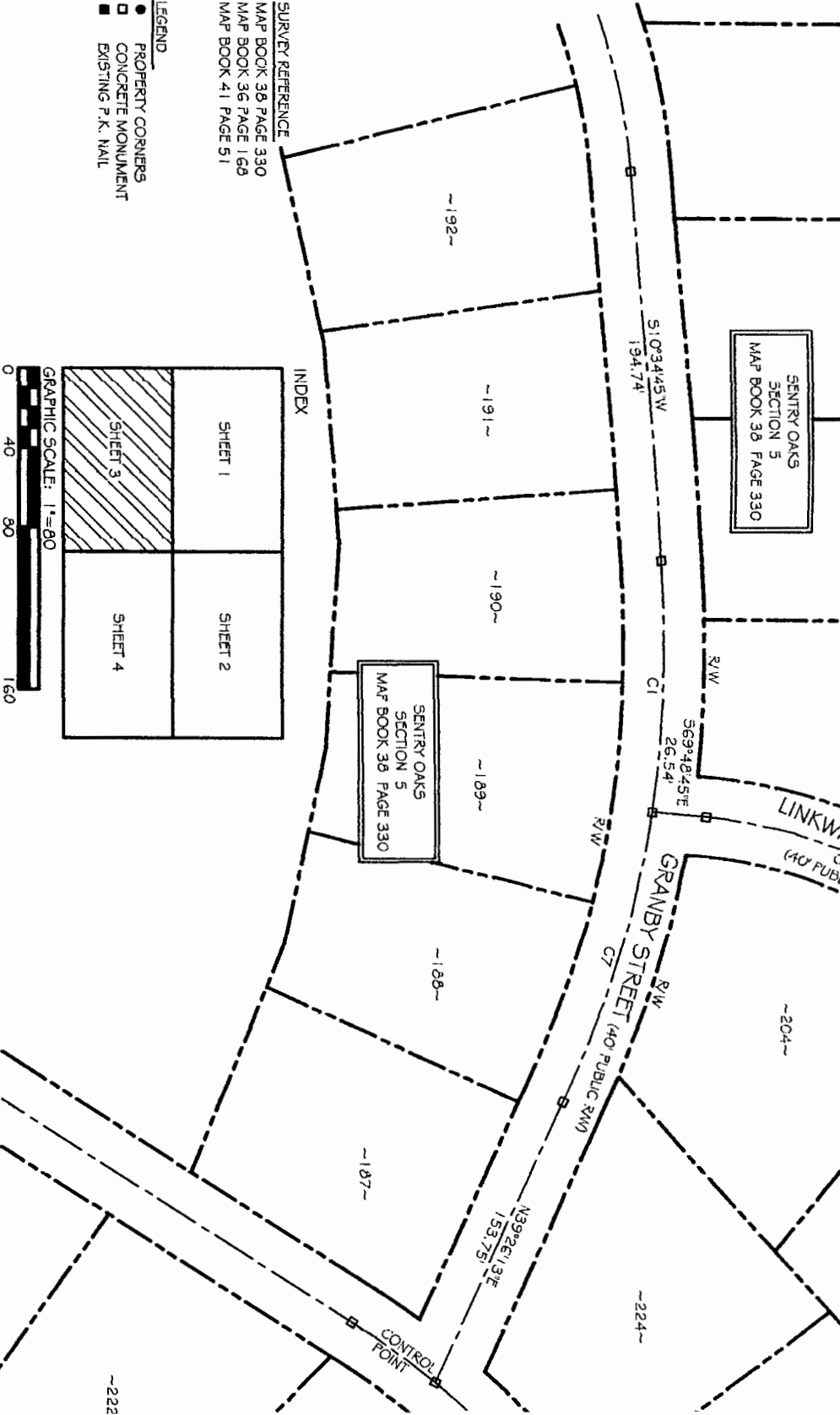


AREA "A" = TO BE SWALED
0.46 ACRES +/-

AREA "B" = TO BE FILLED
0.55 ACRES +/-

RESTORED WETLAND AREA
1.01 ACRES +/-

DATE REVISED: OCT., 2006
DATE REVISED: JULY, 2006
DATE REVISED: DEC., 2005
DATE REVISED: SEPT., 2005
DATE REVISED: AUG., 2005



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~56~

~56~

~220~

~219~

~218~

~87~

~89~

~90~

~91~

~92~

CONTROL
POINT

N34°56'49"E
206.27

C10

C11

N15°42'20"E
108.15

LYDDEN ROAD (40' PUBLIC RM)

CURVE TABLE					
Curve	Radius	Delta	Length	Chord	Tangent
C1	550.00	13°01'20"	125.00	124.74	62.77
C7	550.00	15°50'08"	152.01	151.53	76.49
C8	230.00	28°03'19"	112.62	111.50	57.46
C9	400.00	70°23'21"	491.41	461.08	282.11
C10	310.00	9°41'11"	52.41	52.35	26.27
C11	310.00	9°34'10"	51.78	51.72	25.95
C12	750.00	26°49'14"	351.08	347.88	178.82

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